

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 JOSE DOLORES VARGAS,
12 Petitioner,
13 v.
14 PATWIN HORN,
15 Respondent.
16
17

Case No. 2:23-cv-00201-MCS-PD

**ORDER ACCEPTING REPORT
AND ADOPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES
MAGISTRATE JUDGE, AND
DENYING A CERTIFICATE
OF APPEALABILITY**

18
19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
20 records on file, and the Report and Recommendation of United States
21 Magistrate Judge (“Report”). No objections to the Report were filed. The
22 Court accepts the Report and adopts it as its own findings and conclusions.
23 Accordingly, the Petition is denied with prejudice.

24 Further, the Court finds that Petitioner has not made a substantial
25 showing of the denial of a constitutional right or that the court erred in its
26 procedural ruling and, therefore, a certificate of appealability will not issue in
27
28

1
2 this action. *See* 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v.*
3 *Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484
4 (2000).



5
6 DATED: January 31, 2024

7 MARK C. SCARSI
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28